

REMARKS

The present amendment is filed as part of a Request for Continuing Examination. Claims 1-27 have been cancelled. New claims 28-55 have been added by the present amendment. The new claims are supported by the original disclosure and do not add new matter. The claimed invention is new, non-obvious and useful.

The Applicant has replaced “the computer” to “the computing device” to avoid confusion with “the central computer” and to better reflect that “the computer” includes various sorts of handheld or mobile devices, as are disclosed in the specification. The Applicant has replaced bar codes, with the broader term “identifiers” in most of the claims, to reflect the range of ticket identifying information described in the specification.

Previously, independent claim 1 was rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,628,684 to Bouedec (“Bouedec”). While the rejection is not agreed with, to expedite prosecution a new apparatus claim, claim 27 has been presented. New independent apparatus claim 27 incorporates elements similar to claim 1. Claim 27 recites

a lottery ticket dispenser configured to dispense the lottery ticket, the lottery ticket dispenser including *an input device configured to receive, prior to the lottery ticket being dispensed, an input indicating a player's choice of whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game;*

a central computer system in communication with the lottery ticket dispenser and configured *to receive from the lottery ticket dispenser an indication that the player has chosen to purchase the lottery ticket for use in the interactive game, the central computer system configured to, responsive to the receipt of the indication, to activate the lottery ticket for use in the interactive game;*

The lottery ticket dispenser is configured to allow the player to choose whether to purchase a regular instant lottery ticket or a hybrid ticket that is usable in an interactive game, e.g., for an extended play feature. The central computer, in communication with the ticket dispenser, receives an indication of this player choice, and responsively activates the lottery ticket for use in the interactive game. This feature is not taught or suggested by the cited Bouedec reference or the other cited references. Claims 28-47 depend from claim 27 and therefore should be allowable for at least the same reason as claim 27.

Previously, independent method claim 12 was rejected under 35 U.S.C. § 103(a), the Examiner alleging that these claims are unpatentable over Bouedec in view of U.S. Patent Application 2001/0039210 to St. Denis ("St. Denis"). While the rejection is not agreed with, to expedite prosecution a new method claim, claim 48, has been presented. New independent method claim 48 incorporates elements similar to claim 12. However, new claim 48 recites in part

receiving an input indicating a player's choice of whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game;

responsive to the player's choice to purchase a lottery ticket for use in the interactive game and the acceptance of payment from the player for the lottery ticket, providing the player a lottery ticket including a ticket identifier, an instant win information concealed by a removable covering, and an interactive game information;

responsive to the player's choice to purchase the lottery ticket for use in the interactive game and the acceptance of payment from the player for the lottery ticket, activating the lottery ticket for use in the interactive game, the activating based at least in part on a ticket identifier;

The cited references do not teach or suggest that a player chooses whether to purchase a ticket for use only as an instant ticket, or for use as a hybrid instant lottery ticket that is also usable in an interactive game, or that, responsive to the player's choice, the ticket is activated for use in the interactive game based at least in part on the ticket identifier. Claims 49 to 55 depend from claim 48 and therefore should be allowable for at least the same reason as claim 48.


CONCLUSION

In view of the above remarks, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

The Office is authorized to charge any fees associated with this paper to
Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,
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